MONTANA LEGISLATIVE HISTORY

Chapter 143 19 74

Bill H 796 S _____ Original bill & history ___C

H. Committee on State Administration

Hearing Date(s) 1-24-74 ✓ C

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_____ ___C

Date Out _____ ___C

S. Committee on State Administration

Hearing Date(s) 3-1-74 ✓ C

3-1-74 ✓ C

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Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

STATE ADMINISTRATION COMMITTEE

1974 Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 726	Permit political subdivisions to seek the advice of the department of administration, etc.	1/9/74	Bardanouve	1/10/74	AS SO AMENDED DO PASS	1/16/74
HB 345	Providing for a cost-of-living increase in subsequent payments to retired policemen.	1/9/74	Towe	1/18/74	DO NOT PASS	1/19/74
HB 694	Renumbering and adding new sections to incorporate provisions of the model post-auditing act.	1/9/74	Gerke	1/15/74	DO PASS	1/15/74
HB 790	To implement the legislative recommendations of the majority report of the Montana Salary Commission by increasing the compensation of elective officials.	1/12/74	State Administration Committee	1/29/74	AS SO AMENDED DO PASS	2/5/74
HB 796	Remove the minimum limits of coverage required for casualty and liability policies procured by a governmental entity.	1/14/74	Schye	1/24/74	DO PASS	1/31/74

STATE ADMINISTRATION COMMITTEE

January 24, 1974

The State Administration Committee meeting was called to order this date at 10:30 a.m. with Chairman Brand presiding. All members were present except Reps Flynn and Hageman.

HB 736, 737, 738, 739 - Rep Bardanouve, chief sponsor, and Ted Schwinden, State Land Department, both spoke in favor of these bills. They stated that these bills were introduced for the benefit of all involved. There were no opponents.

HB 796 - Dan K. Mizner, Montana League of Cities, endorsed the bill. There were no opponents.

HB 632 - Rep Lockrem, chief sponsor, Rep Mercer and D. H. Siewert, Montana Chamber of Commerce, spoke in favor of this bill. Rep Lockrem also submitted some amendments.

R. Thomas Dundas, Jr. and C. R. Draper, Dept of Intergovernmental Relations, appeared at the request of Rep Lockrem to give information and answer questions (see attachment)

John S. Anderson and Ben Wake, Division of Environmental Sciences, Gerhard M. Knudsen, Dept of Natural Resources, and Harry L. Billings, Montana State AFL-CIO, were in opposition to HB 632 (see attachments).

HB 676 - Because of the time, Chairman Brand asked if the proponents and opponents to HB 676 could return for Saturday's meeting. Joe Meagher, Cut Bank Gas Company, could not return Saturday so he rose in opposition to this bill (see attachment).

The meeting adjourned at 12:15 p.m.

Joe Brand

Joe Brand, Chairman

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1974 LEGISLATIVE SESSION

COMMITTEE ON STATE ADMINISTRATION

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB 694	1-18-74	1-21-74	1-21-74				1-21-74		
HB 697	1-30-74	2-4-74	2-4-74				2-4-74		
HB 834	1-23-74	2-22-74	2-22-74					2-22-74	
HB 736	2-2-74	2-27-74	2-27-74				2-27-74		
HB 737	2-2-74	2-27-74	2-27-74				2-27-74		
HB 738	2-2-74	2-27-74 3-1-74	3-1-74				3-1-74		
HB 739	2-4-74	2-27-74	2-27-74				2-27-74		
HB 740	2-2-74	2-27-74	2-27-74				2-27-74		
HB 792	2-22-74	3-4,6-74	3-6-74 -- Referred to the Senate floor without recommendation.						
HB 796	2-6-74	3-1-74	3-1-74				3-1-74		
HB 822	2-20-74	3-1-74	3-1-74				3-1-74		
HB 858	2-8-74	2-18-74	2-18-74				2-18-74		
HB 859	2-13-74	3-4-74	3-4-74				3-4-74		
HB 864	2-22-74		3-4-74 -- Transferred to the Senate Local Government Committee.						
HB 910	2-22-74	3-5,6-74	3-6-74				3-6-74		
HB 912	1-30-74	2-27-74	2-27-74				2-27-74		
HB 927	2-9-74	2-25-74	2-25-74				2-25-74		

(Use Separate Sheet for Senate, House Bills, and Resolutions)

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 1, 1974

The twenty-third meeting of the State Administration Committee was called to order by Chairman David F. James on Friday, March 1, 1974 at 8:05 a.m. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Darrow and Senator McDonald.

HOUSE BILL NO. 599: "An act permitting state agencies to contract with rehabilitation oriented agencies without competetive bidding in certain instances."

Representative Walter Ulmer, sponsor of the bill, testified that it would allow sheltered workshops to contract with the government in certain instances for furnishing services and supplies up to the amount of $5,000 without a competetive bid. This would be at the discretion of the agency or the contracting officer. Representative Ulmer also stated that this bill contains a definition of "sheltered workshop."

Mr. Jerry Willis testified in favor of this bill, and stated that he represents Helena Industries, which is a sheltered workshop. Mr. Willis stated that they take a person with a handicap, run an evaluation to find out what this person is capable of doing, and then place that person in a training program where his talents can be developed. He said their main concern was to teach these people good work habits on the assumption that if they are clean, arrive on time, and work diligently, they will not have trouble holding onto a good job. Mr. Willis stated that Helena Industries subcontracts and manufactures products in order to provide jobs for as many of these people as possible. He then presented samples to the committee of the types of things his workshop produces. Mr. Willis also left a prepared statement for the record.

Mr. Ken Rohyans, Executive Director of the Montana Association for Retarded Children, testified that he is heartily in support of this bill, and that he agreed with what Mr. Willis had stated.

HOUSE BILL NO. 796: "An act to remove the minimum limits of coverage required for casualty and liability policies procured by a governmental entity."

Representative Elmer Schye, chief sponsor of the bill, testified that he felt all government entities should be able to set the amount of insurance that they can afford to pay. Right now, the law makes it necessary for them to carry a minimum of $1,000,000 insurance, and many times this much coverage is not necessary.

Mr. Jack Crosser, Deputy Director of the Department of Administration, stated that he supports this bill, which would remove the minimum requirement. He felt that this provision had been inadvertantly left in the act the last time. He thought that the

purpose of the original act had been to limit the maximum of liability coverage an agency could have. Therefore, Mr. Crosser felt that it should be left up to the discretion of the entity how much insurance liability coverage they could afford, or even whether or not to carry insurance in some instances.

Mr. Dan Mizner, Executive Director of the League of Cities and Towns, stated that he supports House Bill 796 and agrees with the testimony of Mr. Crosser. Mr. Mizner stated that when they start talking about insurance coverage for cemeteries or a three-day long rodeo, they are told that they have to carry a minimum of $1,000,000 coverage, and he felt this was ridiculous.

A discussion followed, with questions from the committee members.

HOUSE BILL NO. 823: "An act providing for accumulation of annual vacation leave for public officers and employees."

Representative Joe Brand, chief sponsor of the bill, stated that it merely equalizes the benefits for accumulation of vacation of employees with over 10 years of service.

Mr. Donald R. Judge, representing AFSCME and AFL-CIO, testified as a proponent of House Bill 823. He felt this bill would be very little added expense to the state, and merely provides for some restitution for the years of dedication and service of employees. He left a written statement for the record.

Mr. Tom Schneider, Executive Director of the MPEA, also appeared as a proponent of the bill, and stated that it had come about as a result of requests received from the heads of two state agencies. He too felt that the attached fiscal note shows that this bill would have very little, if any, effect on the budgets. Mr. Schneider explained that vacation leave, as defined in the law, means "leave of absence with pay at the request of the employee and with the consent of the employer." Therefore, he felt there would be little chance for abuse if this bill passes. He stated that this would effect about 21,000 city, county, and state employees. Mr. Schneider also left a copy of written testimony for the record.

HOUSE BILL NO. 950: "An act for the general revision of the laws relating to the State Building Code."

Mr. Pat Melby, staff attorney in the Government Operations Unit, explained that he had been asked by Representative Joe Roberts to appear on his behalf regarding this bill. Mr. Melby went through each section of the bill, which he stated was an executive reorganization bill. He also left a copy of written testimony for the record. The amendments he proposed for the bill are as follows:

Amend the third reading blue copy of House Bill 950 on page 9, Section 5, subsection (4) on line 22 following the word "or" by reinstating the stricken material "state electrical"; further

and inserting in lieu thereof the new material as follows: "TITLE 59, CHAPTER 9, R.C.M. 1947";

Further amend the third reading blue bill on page 1, Section 1, subsection (3), line 21, following the word "judges" by inserting the new words "and employees";

And further amend page 2, Section 1, subsection (7), line 2, following the word "academic" by inserting the new words "and professional administrative"; and further amend line 2, following the word "personnel" by inserting the new words "with individual contracts";

And further amend page 2, Section 1, following line 3, by inserting the following new subsection (8) as follows:

"(8) specialized employees of the respective direct staffs of those elected officials enumerated in Article VI, Section 1, of the constitution of Montana are exempt from Sections 59-909, 59-910 and 59-911 of this act, and Section 82A-1014."

Senator Bennett made a motion that the committee adopt the amendments as stated above for House Bill 670. The motion was seconded by Senator Devine, and carried unanimously.

Senator Bennett then made a motion that the committee recommend House Bill 670 BE CONCURRED IN AS AMENDED. The motion was seconded by Senator Devine, and carried unanimously.

HOUSE BILL 796: Senator Bennett made a motion that the committee recommend House Bill 796 BE CONCURRED IN. The motion was seconded by Senator Devine and carried unanimously.

HOUSE BILL 599: Senator Bennett made a motion that the committee recommend House Bill 599 BE CONCURRED IN. The motion was seconded by Senator Neon and carried unanimously.

HOUSE BILL 823: Senator Bennett made a motion that the committee recommend House Bill 823 BE CONCURRED IN. The motion was seconded by Senator Story and carried unanimously.

HOUSE BILL 738: After some discussion, the committee decided that it would be better not to add any amendments to the bill concerning whether or not these 25-year contracts would be renegotiated after a certain interval, because at present the law allows the state to do this, and such provisions would be contained in each individual contract. Therefore, Senator Neon made a motion that the committee recommend House Bill 738 BE CONCURRED IN. The motion was seconded by Senator Devine and carried unanimously.

The meeting was adjourned at 10:00 a.m.

James

DAVID P. JAMES, Chairman

AUTHORIZES AN ANNUAL TAX FOR THE PROPERTY TAX ADMINISTRATION FUND; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 84-429.8, R.C.M. 1947, is repealed.

Section 2. This act is effective upon passage and approval and shall effect all taxes levied and assessed after January 1, 1974.

Approved March 11, 1974

CHAPTER NO. 142

AN ACT TO REPEAL SECTION 60-225, R.C.M. 1947, RELATING TO PETROLEUM DEALER PLACE OF BUSINESS LICENSE FEES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 60-225, R.C.M. 1947, is repealed.

Approved March 11, 1974

CHAPTER NO. 143

AN ACT TO REMOVE THE MINIMUM LIMITS OF COVERAGE REQUIRED FOR CASUALTY AND LIABILITY POLICIES PROCURED BY A GOVERNMENTAL ENTITY; AMENDING SECTION 82-4303, R.C.M. 1947; AND REPEALING SECTION 82-4307.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 82-4303, R.C.M. 1947, is amended to read as follows:

"82-4303. **Comprehensive insurance plan for state—risks insured —deductible insurance.** The department of administration shall be responsible for the acquisition and administration of all the insurance *purchased for protection* of the state, as defined herein.

The department of administration shall, after consultation with the departments, agencies, commissions, and other instrumentalities of the state, provide a comprehensive insurance plan for the state providing insurance coverage to the state in amounts *determined and set by the department of administration* and shall have the authority to purchase, renew, cancel and modify all policies according to the comprehensive

insurance plan. The plan may include property, casualty, liability, crime and fidelity, and any such other policies of insurance as the department of administration may from time to time deem reasonable and prudent.

The department of administration may in its discretion elect to utilize a deductible insurance plan, either wholly or in part. Such a plan shall never have a deductible amount in excess of twenty-five thousand dollars ($25,000) per occurrence, and shall contain provisions allowing for an aggregate deductible amount not to exceed two hundred fifty thousand dollars ($250,000) annually under each type of insurance as enumerated in the preceding paragraph."

Section 2. Section 82-4307, R.C.M. 1947, is repealed.

Approved March 11, 1974

CHAPTER NO. 144

AN ACT PROVIDING THE INDIVIDUAL CLAIMANT ACCESS TO HIS OWN WORK AND WAGE EARNINGS RECORDS PRIOR TO A HEARING TO FACILITATE UNEMPLOYMENT OR WORKERS' COMPENSATION CLAIMS; AMENDING SECTION 87-124, R.C.M. 1947.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 87-124, R.C.M. 1947, is amended to read as follows:

"87-124. **Records and reports.** Each employing unit shall keep true and accurate work records, containing such information as the commission may prescribe. *Those* records shall be open to inspection and shall be subject to being copied by the commission or its authorized representative at any reasonable time and as often as may be necessary. The commission and the chairman of any appeal tribunal may require from any employing unit any sworn or unsworn reports with respect to persons employed by it which the commission *considers* necessary to the effective administration of this act. Information thus obtained or obtained from any individual *under* this act shall, except *to the individual claimant* to the extent necessary for the proper presentation of a claim, be held confidential and shall not be published or be open to public inspection *except* to public employees in the performance of their public duties in any manner revealing the individual's or employing unit's identity, but any claimant or his legal representative at a hearing before the commission or appeal tribunal shall be supplied with information from *the* records to the extent necessary for the proper presentation of his claim. Any employee or member of the commission who violates any provision of this section shall be fined not less than twenty dollars *($20)* nor more than two hundred dollars *($200)*, or imprisoned for not longer than *ninety (90)* days, or both."

Approved March 11, 1974

CHAPTER NO. 145

AN ACT AMENDING SECTION 8-102, R.C.M. 1947, AS AMENDED BY